

R E M A R K S

In the present Office Action, claims 1-23 were pending before the Office. Of these, claims 1, 12, and 23 were the only independent claims. The Office Action rejected claims 1-23.

Claims 1-23 were rejected under 35 U.S.C. § 112, first paragraph. Claims 1-23 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-3, 5, 9, 11, 21-14, 16, 20, 22, and 23 were rejected under 35 U.S.C. § 102(e). Claims 1-3, 6-9, 11, 12-14, 17-20, 22, and 23 were rejected under 35 U.S.C. § 102(e). Claims 4, 10, 15, and 21 were rejected under 35 U.S.C. § 103(a).

Claims 1, 12, and 23 are hereby amended. No new matter has been added by the amendments. No claims have been added, canceled, or withdrawn.

A. CLAIM REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH, IN LIGHT OF THE TERM "ALLOCATED"

Claims 1-23 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Without conceding the propriety of the rejection, independent claims 1, 12, and 23 have been amended. The Applicants respectfully submit that these claims now even more fully satisfy the enablement requirement of 35 U.S.C. § 112, first paragraph.

Accordingly, favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph are respectfully requested.

B. CLAIM REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH, IN LIGHT OF THE PHRASE "AT LEAST ONE OF THE PLURALITY OF DATA TYPES"

Claims 1-23 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. For least the reasons set forth herein, the Applicants respectfully traverse this rejection.

Claims 1, 12, and 23 and their dependencies stand rejected as the Office Action contends the specification lacks support for the feature "dynamically adjusting the amount of memory bandwidth allocated to at least one of the plurality of data types based on the determinations," as recited in claim 1, for example.

As an initial matter, the Applicants traverse the Examiner's interpretation of the above-recited feature appearing the Advisory Action mailed October 29, 2007. Specifically, the Applicants respectfully submit that the Examiner's addition to the above-recited claim language of the term "solely" is clearly improper. The term "solely" does not appear anywhere in the claims. Further, the Applicants traverse the Examiner's contention that the claims appear "to be incomplete because several essential steps in the paragraph bridging pages 11 and 12 are omitted." The Applicants respectfully submit that the Examiner's selective designation of what is and what is not "essential" is also clearly improper.

In addition to the sections of the specification previously cited for enabling the above-recited features, the Applicants respectfully note the discussion on pages 6-7 of the specification, which describes how determinations for different data types are made (e.g., "The total amount of memory bandwidth currently used for transmitting Fast Ethernet data from one or more output ports 112 of the network processor is also determined." Lines 15-18) This section of the specification goes on to state: "In step 206, it is determined whether additional memory bandwidth may be allocated to one of the plurality of data types. Page 7, lines 1-3. Thus, "dynamically adjusting the amount of memory bandwidth allocated to at least one of the plurality of data types based on the determinations" is discussed.

Accordingly, favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph are respectfully requested.

C. CLAIM REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH, IN LIGHT OF THE PHRASE "THE AMOUNT OF MEMORY BANDWIDTH ALLOCATED TO AT LEAST ONE OF THE PLURALITY OF DATA TYPES"

Claims 1-23 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Without conceding the propriety of the rejection, independent claims 1, 12, and 23 have been amended. The Applicants respectfully submit that these claims now even more fully satisfy the definiteness requirement of 35 U.S.C. § 112, second paragraph.

Accordingly, favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph are respectfully requested.

D. CLAIM REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH, IN LIGHT OF THE PHRASE "ADJUSTING THE AMOUNT OF MEMORY BANDWIDTH ALLOCATED TO AT LEAST ONE OF THE PLURALITY OF DATA TYPES"

Claims 1-23 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Without conceding the propriety of the rejection, independent claims 1, 12, and 23 have been amended. The Applicants respectfully submit that these claims now even more fully satisfy the definiteness requirement of 35 U.S.C. § 112, second paragraph.

Accordingly, favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph are respectfully requested.

E. CLAIM REJECTION UNDER 35 U.S.C. § 102 IN VIEW OF KAWAKAMI

Claims 1-3, 5, 9, 11-14, 16, 20, 22, and 23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,560,231 to *Kawakami et al.* (hereinafter "*Kawakami*"). For at least the reasons set forth herein, the Applicants respectfully traverse this rejection.

Amended independent claim 1 of the present application recites, *inter alia*, "determining an amount of memory bandwidth of a network processor used by a plurality of data types used to transmit data through a plurality of active ports." Independent Claims 12 and 23 recite, *inter alia*, "port activation logic... to: determine an amount of memory bandwidth of the network processor used by a plurality of data types used to transmit data through a plurality of active ports."

The Applicants respectfully submit that *Kawakami* fails to disclose at least the above-referenced features of claims 1, 12, and 23.

The Office contends that "*Kawakami* teaches... determining an amount of memory bandwidth... of a network processor". *Final Office Action*, pages 4-5. The Applicants respectfully traverse this contention. *Kawakami* makes no mention whatsoever of "memory bandwidth". Instead, the citation relied upon by the Office discusses bandwidth of transmission paths. The Applicants respectfully submit that transmission path bandwidth does not equate to memory bandwidth. Thus, *Kawakami* cannot properly be relied upon for teaching or suggesting every feature of independent Claims 1, 12, or 23. Accordingly, the Applicants' respectfully request that the rejection of Claims 1-3, 5, 9, 11-14, 16, 20, 22, and 23 be withdrawn.

F. CLAIM REJECTION UNDER 35 U.S.C. § 102 IN VIEW OF ALFERNES

Claims 1-3, 6-9, 11-14, 17-20, 22, and 23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0017781 by *Alferness et al.* (hereinafter "*Alferness*"). For at least the reasons set forth herein, the Applicants respectfully traverse this rejection.

The Applicants anticipate being able to make an appropriate showing under either 37 CFR 1.131 or 1.132, to eliminate *Alferness* as prior art if necessary. However, Applicants do not believe such a showing is necessary at this time based on the Examiner's untenable rejection, but reserve the right to make such a showing if the Examiner maintains his rejection based on *Alferness*.

Independent claim 1 of the present application recites, inter alia, "determining an amount of memory bandwidth of a network processor used by a plurality of data types used to transmit data through a plurality of active ports." Independent Claims 12 and 23 recite, inter alia, "port activation logic... to: determine an amount of memory bandwidth of the network processor used by a plurality of data types used to transmit data through a plurality of active ports."

The Applicants respectfully submit that *Alferness* fails to disclose at least the above-referenced features of claims 1, 12, and 23.

The Office contends that "*Alferness* teaches in [0040]-[0043] determining an amount of memory bandwidth... of a network processor [Abstract, line 1]." *Final Office Action*, page 7. The Applicants respectfully traverse this contention. While the Abstract may include the term "network processor," and while the cited portions of the specification may discuss assigning bandwidth to virtual channels, these two separate discussions make no mention whatsoever of determining an amount of memory bandwidth. Further, the Applicants respectfully submit that

different transmission rates do not equate to “a plurality of data types.” Thus, for at least these two reasons, *Alferness* cannot properly be relied upon for teaching or suggesting every feature of independent Claims 1, 12, or 23. Accordingly, the Applicants’ respectfully request that the rejection of Claims 1-3, 6-9, 11-14, 17-20, 22, and 23 be withdrawn.

G. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

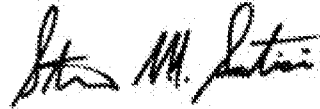
Claims 4, 10, 15, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kawakami*. Applicants respectfully traverse this rejection. As discussed above, *Kawakami* does not disclose all the features recited in Claims 1 and 12, the base claims from which Claims 4, 10, 15, and 21 variously depend. Therefore, Claims 4, 10, 15, and 21 are patentable over the cited reference and the Applicants respectfully request that the rejection be withdrawn.

H. CONCLUSION

Since the Applicants assert that all the independent claims as amended are in condition for allowance and all remaining claims properly depend from the independent claims, Applicants assert that all claims are allowable.

Applicants do not believe a Request for Extension of Time is required but if it is, please accept this paragraph as a Request for Extension of Time and authorization to charge the requisite extension fee to Deposit Account No. 04-1696. Applicants do not believe any additional fees are due regarding this Amendment. However, if any additional fees are required, please charge Deposit Account No. 04-1696.

Respectfully Submitted,



Dated: December 17, 2007
Hawthorne, New York

Steven M. Santisi
Registration No. 40,157
Dugan & Dugan, PC
Attorneys for Applicants
(914) 579-2200